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Attorneys for Third-Party Defendant COR Clearing, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHINA ENERGY CORPORATION,

Plaintiff,

vs.

ALAN HILL, et al.,

Defendants,

ELENA SAMMONS AND MICHAEL SAMMONS,  
Third-Party Plaintiffs

vs.

COR CLEARING, LLC,

Third-Party Defendant.

3:13-CV-562-MMD-VPC

**COR CLEARING LLC'S  
RESPONSE TO  
DEFENDANTS/THIRD-  
PARTY PLAINTIFFS  
ELENA SAMMONS'S AND  
MICHAEL SAMMONS  
MOTION TO DISMISS  
FIRST AMENDED THIRD  
PARTY COMPLAINT AS  
MOOT AND FOR LACK OF  
JURISDICTION**

1 Third-Party Defendant COR Clearing, LLC ("COR") respectfully submits this response  
2 to Defendants/Third-Party Plaintiffs Elena Sammons and Michael Sammons's Motion to  
3 Dismiss First Amended Third Party Complaint as Moot and for Lack of Jurisdiction ("Motion to  
4 Dismiss") (Doc. # 290). COR agrees that all claims asserted against it in the Sammons's Third-  
5 Party Complaint must be dismissed in light of Amended Stipulation of Dismissal With Prejudice  
6 as to Count I of the Complaint (Doc. #291). Pursuant to Federal Rule of Civil Procedure 41(a)  
7 (1)(A)(ii), Count I of the Complaint has been dismissed with prejudice and COR is entitled to a  
8 judgment as a matter of law on the Sammons' Third-Party Complaint, as there is no longer any  
9 "potential loss" for the Sammons "to transfer" to COR. Therefore, COR's respectfully requests  
10 that the Court enter an order dismissing the Third-Party Complaint against COR *with prejudice*.  
11

12 Respectfully submitted this the 23rd day of December, 2014.

13  
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28 By: /s/ Peter J. Tepley  
Peter J. Tepley

*Counsel for Third-Party Defendant COR Clearing,  
LLC*

**CERTIFICATE OF SERVICE**

I, Peter J. Tepley, certify that on December 23, 2014, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the electronic mail notice list.

A copy was also served by First Class U.S. Mail, postage prepaid on the following individuals:

Elena Sammons  
15706 Seekers St.  
San Antonio, TX 78255

Randy Dock Floyd  
4000 Goff Road  
Aynor, SC 29551

Jun He  
231 Split Rock Road  
The Woodlands, TX 77381

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed December 23, 2014, at Birmingham, Alabama.

By: /s/ Peter J. Tepley  
Peter J. Tepley